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Attorneys for Defendants

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

TRI-VALLEY CARES,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
ENERGY and NATIONAL NUCLEAR  
SECURITY ADMINISTRATION,

Defendants.

No. C 08-5408 SC

**STIPULATION TO VACATE DATES;  
and [Proposed] ORDER**

Date: November 19, 2010  
Time: 10:00 a.m.

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Stipulation to Vacate Briefing  
C 08-5408 SC

1 Plaintiff, Tri-Valley Cares, and defendants, the United States Department of Energy (“DOE”),  
2 and the National Nuclear Security Administration (“NNSA”), by and through their counsel of  
3 record, hereby stipulate, subject to the approval of the Court, to the following:

4 1. On April 20, 2010, the Court set a supplemental briefing schedule for the parties in which  
5 the initial round of summary judgment briefing was set to begin on July 15, 2010.

6 2. Since that time, the parties have been engaged in settlement discussions and narrowed the  
7 areas of contention to the issue of attorney’s fees.

8 3. On or about August 11, 2010, the parties reached a tentative agreement on attorneys’ fees  
9 and intend to resolve this case without further litigation.

10 4. In this case, the process of finalizing a settlement agreement with the government requires  
11 final approval by a certain component of the U.S. Department of Justice. This final approval  
12 process can only begin after the terms of a settlement agreement between the parties has been  
13 completed and finalized.

14 5. The parties now respectfully request that the Court terminate summary judgement briefing  
15 and allow defendants time to seek the aforementioned final approval of the tentative settlement  
16 agreement. Accordingly, the parties request that the current briefing schedule, in which plaintiff is  
17 set to begin the initial round of summary judgment on August 16, 2010, be vacated and that the  
18 November 19, 2010 hearing date be vacated.

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6. Additionally, the parties respectfully request a status conference with the Court on November 19, 2010, at 10:00am.

Dated: August 16, 2010

Respectfully submitted,

MELINDA HAAG  
United States Attorney

/s/  
ISAAC CAMPBELL  
Trial Attorney  
United States Department of Justice

ILA C. DEISS  
Assistant United States Attorney

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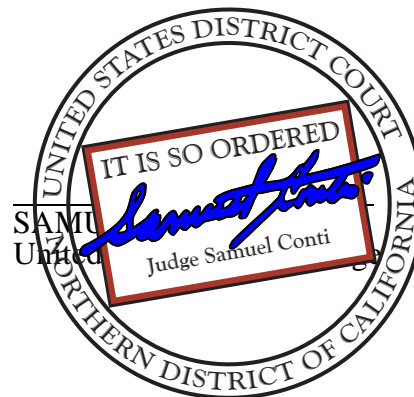
Dated: August 16, 2010

/s/  
SCOTT J. YUNDT  
Attorney for Plaintiff

### ORDER

Pursuant to the stipulation, IT IS SO ORDERED. A further case management conference is set for **November 19, 2010 at 10:00 am**. Should the parties resolve this matter prior to that date, a stipulation to dismiss shall be promptly filed and the case management conference vacated.

Date: August 24, 2010



Stipulation to Vacate Briefing  
C 08-5408 SC